

Executive Order 2004-30

**Directing Implementation of Proposition 200 and Full Compliance with
Related Federal Law**

WHEREAS, since 1996, non-qualified aliens generally have been ineligible under federal law to receive State or local public benefits; and

WHEREAS, on November 2, 2004, the citizens of Arizona passed Proposition 200, the Protect Arizona Now Initiative, mandating a variety of identity verification and reporting requirements with respect to voters and applicants for State and local public benefits; and

WHEREAS, upon passage of Proposition 200, agencies of State government immediately began preparations to implement the Proposition, including obtaining relevant legal guidance and conducting training of state workers on full compliance with its provisions; and

WHEREAS, full implementation of Proposition 200 was temporarily stayed by a temporary restraining order (the "TRO") of the United States District Court for the District of Arizona (the "Court") in a lawsuit styled *Friendly House et al v. Napolitano et al*, No. C04-649 TUC DCB; and

WHEREAS, on December 13, 2004, Proposition 200 was officially proclaimed into law subject to the terms and duration of the TRO; and

WHEREAS, the TRO expired on its own terms on December 22, 2004;

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and the laws of the State, hereby order as follows:

1. All Executive Branch agencies are directed to immediately implement A.R.S. § 46-140.01, as enacted by Proposition 200, to the full extent required by law as set forth in the Proposition, relevant judicial opinions, and the opinions of the Arizona Attorney General.
2. Directors of all Executive Branch agencies affected by Proposition 200 are ordered to implement appropriate audit procedures and to report the results thereof to me by March 30, 2005 (and annually thereafter). Such audit procedure shall ensure at a minimum that:
 - a. all relevant employees are trained in how to fully comply with Proposition 200;
 - b. all relevant employees are in fact complying with Proposition 200;
 - c. all relevant employees who discover violations of federal immigration law by applicants for State and local public benefits report such violations to the local Immigration and Customs Enforcement Office by e-mail or, if e-mail is not practical, by mail to: ICE/OI, P.O. Box 25277, Phoenix, Arizona 85002-5277; and

- d. periodic random checks are done of all recipients of State and local public benefits to determine that such recipients were in fact eligible under State and federal law to receive such benefits.
3. In addition, all Executive Branch agency directors are ordered to review federal law relating to the provision of State and local public benefits, including 8 U.S.C. § 1621, which generally prohibits non-qualified aliens from receiving such benefits.

Executive Branch agency directors are further ordered to ensure that their agencies are in full compliance with State and federal law on this subject, including by performing random audits of their programs to verify the eligibility of recipients of any State and local public benefits their agencies administer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona


GOVERNOR

DONE, at the Capitol in Phoenix this 22nd day of December in the Year Two Thousand and Four and of the Independence of the United States of America the Two Hundred and Twenty-Ninth.

ATTEST:


Secretary of State

